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THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

PART I EXTRAORDINARY

No.765 AMARAVATI, TUESDAY , DECEMBER 6, 2016 **G.869**

NOTIFICATIONS BY GOVERNMENT

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YOUTH ADVANCEMENT TOURISM & CULTURE DEPARTMENT (T)

THE ANDHRA PRADESH TOURISM AUTHORITY (CONSTITUTION, FUNCTIONS AND POWERS) RULES, 2016.

[G.O. Ms.No.26, Youth Advancement Tourism & Culture (T), 6th December, 2016.]

Notification

In exercise of the powers conferred under section 42 of the Andhra Pradesh Tourism, Culture and Heritage Board Ordinance, 2016 (Andhra Pradesh Ordinance 6 of 2016), the Government of Andhra Pradesh hereby makes the following rules:

PART I
PRELIMINARY

1. (1) These rules may be called the Andhra Pradesh Tourism Authority (Constitution, Functions and Powers) Rules, 2016.

(2) They shall extend to the whole of the State of Andhra Pradesh.

2. Definitions. (1) In these rules, unless the context otherwise requires, —

(i) "Authority" means the Andhra Pradesh Tourism Authority constituted under section 6 of the Ordinance;

(ii) “Chairman” means the Chairman of the Authority;

(iii) “erstwhile department” means department of tourism;

(iv) “fund” means the Tourism Fund established under section 20;

(v) “projects and programmes” means, the annual projects programmes approved by the Authority for development and promotion of tourism in the state;

(vi) “section” means a section under the Ordinance;

(vii) “tourism site” means any site having tourism potential declared under rule 8 (3) (a);

(viii) “tourism enterprise” means all or any of the following:

(a) any business which provides national or international carriage for passengers;

(b) any business which, either wholly or in part, provides or arranges services for visitors to Andhra Pradesh by way of transport, accommodation, tours or guides, whether or not such services are provided within or outside Andhra Pradesh;

(c) any business which, either wholly or in part, distributes for the purpose of trade or retails tourism-related products; and

(d) any other undertaking, including any convention, exhibition, show, fair, publicity campaign or theme park, intended wholly or in part for the benefit of, or for the purpose of attracting, visitors to Andhra Pradesh.

(2) Words and expressions used but not defined in these rules shall have meanings assigned to them in the Ordinance.

PART II
STATE TOURISM AUTHORITY

3. Constitution of the State Tourism Authority.

(1) The State Government hereby constitutes a body to be called the ‘Andhra Pradesh Tourism Authority’, herein after called as the ‘Authority’ for the State, which shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and by the said name sue and be sued.

(2) The Authority shall consist of —

(a) Director General of the Board as Chairman;

(b) Director, Experience Development Group as member;

(c) Director, Administration Group – Member

(d) Up to Two experts having special knowledge or practical experience in the fields of Tourism, Culture or Entertainment – members; and

(e) Chief Executive Officer – Member Secretary.

(3) The composition and reconstitution of Authority resulting due to vacancies/absence of its members and proceedings shall be as per First Schedule of the Ordinance.

(4) Subject to the general superintendence and control of the Authority the management of the affairs of the Authority shall vest in the Chief Executive Officer.

(5) The Authority may with the approval of the Board/Government make required regulations to achieve the objects of the Ordinance.

(6) The Authority may be constituted of such groups/ institutes/ silparamams, which may further be sub-divided into divisions/ sections/ teams/ wings. Each group/ institute/ silparamam may be headed by Director or persons of experience/skills lesser than a Director subject to the administrative control of Chief Executive Officer.

(7) Subject to the direction and delegation of the powers by the Authority, Chief Executive Officer may exercise any power or do any act or thing which may be exercised or done by the Authority.

4. Special Tourism Zone –(1) The Government may, by notification in the Andhra Pradesh Gazette, declare any area which have or likely to have the importance of tourism within the State as 'Special Tourism Zone' for the conservation, preservation and integrated planned development of such area.

(2) No developmental activity including construction in a Special Tourism Zone shall be carried except in accordance with such regulations as may be issued by the Authority with the approval of Board/Government.

PART III
FUNCTIONS OF THE AUTHORITY

5. Functions of the Authority. — (1) The functions of the Authority shall include the following:

(i) General:

(a) to develop and promote the state as a major travel and tourist destination;

(b) to develop and promote tourism industry in the state of Andhra Pradesh;

(c) to develop and promote unique tourism experiences in the state of Andhra Pradesh;

(d) to develop / facilitate development of new tourism products/ experiences at

(e) to implement tourism marketing and promotion activities at domestic and international level;

(f) to coordinate marketing and promotion conducted by any agency – government or non-governmental- at domestic and international level;

(g) to provide infrastructure for accessing tourism sites and special tourism zones;

(h) to facilitate maintenance of the tourism sites and special tourism zones;

(i) to enhance the tourism and hospitality sector's contribution to the state economy;

(j) to prepare and implement master plans for lands entrusted to the Authority;

(k) to register and classify tourism enterprises;

(l) to ensure safety and security of tourists;

(m) to conduct annual national/international festivals and events;

(n) to adopt state-of-the-art tourism technology; and

(o) to exercise licensing and regulatory functions in respect of such tourism enterprises as the Authority may determine.

(ii) Conduct research:

(a) to carry out studies, scientific and applied research or investigation;

(b) to systematically collect data useful for formulating policies; and

(c) to facilitate training of students, teachers and researchers;

(iii) Advise Government and issue guidelines:

(a) to ensure that relevant information is made available to Government while making policies and laws;

(b) to advise the Government on matters relating to tourism and hospitality; and

(c) to provide information and issue guidelines, to the public and to tourism entities.

6. Functions of Authority relating to Special Tourism Zones. — (1) Notwithstanding anything contained in any other law, the Authority shall have the following functions, namely-,

(i) to prepare a sustainable Tourism Development Plan including guidelines to regulate developmental activities in the Special Tourism Zone;

(ii) to implement or co-ordinate the implementation of the Tourism Development Plan;

(iii) to enforce the regulations issued in respect of the development of Special Tourism Zones;

(iv) to ensure proper and systematic programming by rendering appropriate advice to the local authorities in regard to formulation of projects and determination of priorities in accordance with the Tourism Development Plan;

(v) to direct the concerned local authority for taking action against any unauthorized construction or land development or encroachment or such other activities inconsistent with or in violation of the Tourism Development Plan;

(vi) to monitor the regulations prepared by the Authority;

(vii) to perform such other functions as may be prescribed or entrusted to it by the Government.

(2) The local authority concerned shall, notwithstanding anything contained in any other law for the time being in force, act in accordance with the advice or direction in writing, if any, given by the Authority in respect of any area comprised in a Special Tourism Zone and it shall intimate to the Authority such action as so taken by it.

(3) The Tourism Development Plan prepared by the Authority shall indicate the manner in which the land within the Special Tourism Zone shall be used, whether by carrying out development therein or by conservation, or such other matters as are likely to have any substantial influence on the development of the area under the Special Tourism Zone.

(4) Every Tourism Development Plan shall contain the following elements which are necessary for the integrated sustainable development of the area with major thrust on tourism development, namely:-

(i) policy in relation to the land use plan and allocation of land for tourism purposes;

(ii) policy in relation to the built up area, environment including architectural control and form;

(iii) strategies towards conserving and strengthening existing natural systems and enhancing the visual qualities of the region; and

(iv) regulations, if any, found necessary for the implementation of the Tourism Development Plan.

7. Other Functions of Authority-,(1) In addition to the functions of the Authority under rule 5, the Authority may undertake such other functions as the Government may assign to the Authority and in so doing the Authority shall be deemed to be fulfilling the purposes of this Ordinance and the provisions of this Ordinance shall apply to the Authority in respect of such functions.

(2) Nothing in this section shall be construed as imposing on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

PART IV
POWERS OF THE AUTHORITY

8. Powers of the Authority.- The Authority may exercise one or more of the following powers, namely-

1. Agents

(a) to act as an agent for the Government of Andhra Pradesh or Government of India or, with the approval of the Board, for any person, body or organisation for the transaction of any business connected with any tourism enterprise;

(b) to appoint such agents as it may deem fit for the purpose of performing its functions;

(c) to co-operate with or act as agent of, or otherwise act in association with or on behalf of any agency or organization, international or otherwise; and

(d) to licence and regulate tourist guides;

2. Tourism promotion and facilities

(a) to engage in, assist in or promote the improvement of facilities and attractions for tourists to the state and the development of the state as a major tourist destination;

(b) to carry on the business of providing transport facilities for persons visiting tourist attractions in the state;

(c) to secure domestic and overseas publicity for the tourist attractions in the state and tourism projects outside state in which the state has an interest;

(d) to co-ordinate the activities of persons providing services for visitors to the State;

(e) to prepare and ensure implementation of master plans for lands declared as tourism areas and/or belonging to the Authority, in conformity with the notified master plan of the region, if any;

(f) to rate the tourism sites;

(g) to conceptualise and implement tourist friendly policies and measures;

(h) to ensure smooth traffic flow in and around tourism areas or special tourism zones in coordination with police department; and

(i) to coordinate with all connected government agencies in providing external infrastructure to tourism areas or special tourism zones;

3. Regulation

(a) to identify and declare any site having tourism potential duly indicating the boundaries of such land, and maintain a register of such declared tourism sites;

(b) to regulate service standards and operational procedures to be adopted by such tourism enterprises as may be determined by the Authority;

(c) to license such class or classes of tourism enterprises as may be determined and to prescribe the conditions under which the licences may be granted and the fees which may be levied for the licences;

(d) to require any government or non-governmental agency to submit information on programmes and reports in respect of its tourism promotion and marketing activities;

(e) to regulate the timings of tourism services;

(f) to notify rates of fine for littering and / or vandalism and/ or indecent behaviour within tourism sites or special tourism zones;
(g) to collect fines within tourism sites or special tourism zones;
(h) to maintain health, hygiene and public decency within and in the vicinity of tourism sites;
(i) to issue directions and/or regulate entry of certain persons to certain tourism experiences for reasons such as health, age, skill and such other requirements;
(j) to prescribe the standards for avenue plantation and urban design guidelines for access roads to tourism areas or special tourism zones;
(k) to stipulate, monitor, review and evaluate all standards, operations and activities relating to any tourism matter; and
(l) to facilitate setting up of tourist police units for protection of tourists in tourism areas or special tourism zones in coordination with police department in order to ensure safe and secure tourism experience;

4. Financial/ property related

(a) to grant loans or advances to any person carrying on a tourism enterprise;
(b) to procure land and immovable property through Right to Fair Compensation, Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, negotiated settlement, purchase, or by any other means;

(c) with the approval of the Government, to invest any money of the Authority in any business within or outside the State which will promote or be conducive to the tourism trade in the state;
(d) to create one or more bodies corporate in connection with performance of Commission’s functions;

5. General

(a) to set up corporate office, district offices, and city offices at the state level;
(b) to set up domestic desks and international desks for marketing and promotion of tourism;
(c) to undertake surveys, studies, research and training in travel, tourism and related fields;
(d) to manage, control or supervise tourism enterprises within or outside India by nominating directors or advisers, or by collaborating with persons carrying on tourism enterprises or entering into partnerships or any other arrangements with them.

9. Any matter directed to be placed before the Authority may be carried out by circulation amongst such number of members as stipulated in first schedule of the Ordinance, and any resolution so circulated and signed shall be effective and binding as if such resolution has been passed at a meeting of the Authority.

10. Powers relating to Special Tourism Zones – Notwithstanding anything contained in any other law, the Authority shall have the following powers, namely :-

(a) to identify the areas, prepare proposals, obtain permission for notification from Board/ Government, issue draft notification calling for objections, prepare final notification and submit to Government;

(b) to approve the Tourism Development Plans and regulations for the Special Tourism Zone;

(c) to sanction the projects or developmental activities in the Special Tourism Zone;

(d) to review implementation of the Tourism Development Plan or guidelines prepared for Special Tourism Zone;

(e) to approve the regulations for conservation of the Special Tourism Zone;

(f) to call for information from Government Departments or from the local authorities or other authorities or persons with regard to their projects and priorities relating to Special Tourism Zone;

(g) to conduct or cause to be conducted such surveys and studies, as it may consider necessary, for the sustainable development of Special Tourism Zones;

(h) to take such action as may be prescribed for the preservation of any land or building having any tourist importance and situated in a Special Tourism Zone;

(i) to provide for infrastructure facilities which may be necessary for the purpose of sustainable development of a Special Tourism Zone, in such manner as may be prescribed; and

(j) to authorise any officer or institutions to enter upon any land or premises at all reasonable times and to do such things thereon, as may be necessary for the purpose of lawfully carrying out any work or activities for the sustainable development of Special Tourism Zones-,

Provided that no person shall enter any land or building without giving the occupier thereof at least five days' notice of his intention to do so.

11. Appeal –(1) Any person aggrieved by an order passed by the Authority in exercise of its powers may, within ninety days from the date of receipt of such order, file an appeal to the Board-,

Provided that the Board may entertain an appeal filed after the expiry of ninety days, if it is satisfied that there was sufficient cause preventing the appellant from filing the appeal in time.

(2) Every appeal shall be accompanied by an attested copy of the order appealed against and such fees, as may be prescribed.

(3) The appellant shall have the right to appear either in person or through a counsel or a duly authorised agent, and the Authority against whose order the appeal has been filed, may be represented by such officer, counsel or person as the Authority may authorise.

(4) The Board may after giving the appellant an opportunity of being heard and after making such enquiry as it may deem fit, dispose of the appeal recording the reasons thereof.

(5) Every appeal filed under this rule shall be disposed of as early as may reasonably be practicable, but not later than four months from the date of filing of such appeal.

PART V
SILPARAMAM

12. Establishment of silparamams.—(1) The Authority may establish silparamams known by such names as it thinks fit (hereinafter called "silparamam") for the purpose of development and promotion of visual arts and creativity at tourism destinations.

(2) The silparamams transferred to the Authority under section 46 shall be deemed to be silparamams established under sub rule (1).

(3) All the silparamams established under this rule shall be collectively known as Silparamam.

(4) Silparamams established under this rule shall be a body corporate by the name Silparamam, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and by the said name sue and be sued

(5) Establishment and/or functioning, financial provisions and staffing of silparamam shall be as laid down in the regulations.

(6) Committees, may be formed under section 7, in connection with governance of Silparamam.

PART VI
STATE INSTITUTES OF HOTEL MANAGEMENT AND CULINARY TECHNOLOGY

13. Establishment of state institutes of hotel management and culinary technology.—(1) The Authority may establish state institutes of hotel management and culinary technology known by such names as it thinks fit (hereinafter called "institute") for the purpose of training and development in hotel management and culinary technology.

(2) The institutes of hotel management and culinary technology transferred to the Authority under section 46 shall be deemed to be state institutes of hotel management and culinary technology established under sub rule (1).

(3) Any institute established under sub-rule (1) under this rule shall be a body corporate by the name of the institute, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and by the said name sue and be sued

(4) Establishment and/or functioning, financial provisions and staffing of the institutes shall be as laid down in the regulations.

(5) Committees, may be formed under section 7 in connection with institutes.

PART VII
PROVISIONS RELATING TO STAFF

14. Chief Executive Officer. — The Commissioner of Department of Tourism, immediately before the date of notification of these rules, shall be the first Chief Executive Officer of the Authority.

15. Appointment of staff—No personnel shall be appointed through manpower outsourcing agencies for carrying out services which can be procured through service contracts such as housekeeping, security, hospitality and such other services.

PART VIII
FINANCIAL PROVISIONS

16. Establishment and administration of Tourism Fund—(1) There shall be established a fund to be called the Tourism Fund, with a seed capital of one hundred and twenty five crore rupees, which shall, subject to the directions of the Government, be controlled and administered by the Authority.

(2) Except as otherwise directed by the Government all money credited to the Fund shall be invested only in a single Scheduled bank.

(3) A specified percentage out of tax collections specified by Government, may be paid to the Fund;

(4) Government corporations are hereby authorized to give grants to the Fund at their discretion, not exceeding fifteen percent of their surplus;

(5) The private portion of the Fund shall be raised from the donations and other conveyances including funds, materials, property, and services, by gratuitous title;

(6) Chief Executive Officer shall be responsible for day to day administration of the Fund.

17. Delegation of financial powers– The Chief Executive Officer shall be competent to administratively sanction expenditure up to an amount delegated by the Director General, within the Director General's delegation of powers.

PART IX
MISCELLANEOUS PROVISIONS

18. Offences and penalties.– (1) Any person or tourism enterprise who –

(a) professes to be a member of a classification scheme referred to in section 12(1)(a), while he/it is not such a member;

(b) uses in relation to any accommodation establishment conducted by him/it any depiction or depictions of a star of stars, unless he is a member of a scheme referred to in sub rule (1) (a);

(c) uses in relation to any accommodation establishment conducted by him an insignia depicting a number of stars which is greater than the number which he is authorized to depict in terms of such scheme; shall be guilty of an offence and liable on conviction to a fine of up to fifty thousand rupees.

(2) In any tourist area or special tourism zone, any person who – (a) **Litter.** deposits litter, or causes litter to be deposited, on any land or on or into any waters, commits an offence unless the litter is deposited — (i) on private land by consent; (ii) in a designated area; (iii) in a place or receptacle set aside or provided for that purpose; or (iv) on land adjacent to private land by arrangement with, or at the invitation of, a public authority with a view to the litter being collected and removed by the public authority. Penalty: five thousand rupees.

(b) **Breaking Glass etc.** breaks any glass, metal or glass earthenware, or causes any glass, metal or earthenware to be broken, on any land or into any waters, commits an offence unless the glass, metal or earthenware, as the case may be, is broken — (i) on private land by consent; or (ii) in an appointed area with the consent of the public authority by which the area was set aside. Penalty: five thousand rupees.

(c) **Defacement.**

(i) leaves or posts a poster on or defaces any building, fence, furniture, pillar, post, screen, tree, structure, wall or other object on or adjacent to a public place or vacant land commits an offence unless the poster is left or posted with the consent of the owner or occupier of the object on which the poster is left or posted. Penalty: five thousand rupees.

(ii) leaves or posts a poster on or in any unoccupied vehicle in a public place commits an offence unless the bill is left or posted with the consent of the owner or person in charge of the vehicle. Penalty: five thousand rupees.

(iii) leaves a poster in a letter box or similar receptacle for mail does not commit an offence under sub-rule (1).

(d) **Counselling or procuring poster posting or wall writings** (i) incites, causes, counsels or procures some other person to leave or post a poster on or write on any building, fence, furniture, pillar, post, screen, tree, structure, wall or other object on or adjacent to a public place or vacant land in contravention of sub-rule (2)(c)(i) of this rule or on or in any unoccupied vehicle in a public place in contravention of sub-rule (2) (c)(ii) of this rule commits an offence. Penalty: one lakh rupees.

(ii) Notwithstanding any other enactment, the penalty in sub-rule (2) (d)(i) of this rule applies whether the offender is a natural person or a body corporate.

(3) Any person who creates public nuisance in a tourism site or special tourism zone shall be guilty of an offence and liable on conviction to a fine up to ten thousand rupees.

19. Transitional provisions. – The provisions set out in the Third Schedule of the Ordinance with respect to the transfer of assets, liabilities, functions and employees of the erstwhile department shall have effect.

SRIKANT NAGULAPALLI,
Principal Secretary to Government (FAC).

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